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SUMMARY RECORD OF THE 212th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 May 1995, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Nicaragua (continued)

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Nicaragua (continued) (CRC/C/3/Add.25; CRC/C.8/WP.2)

1. Mrs. BADRAN, referring to the Nicaraguan delegation's statement that there was no conflict between the maximum age for compulsory school attendance and the minimum age for employment, said that there was a trend in many countries to increase the number of years of compulsory education in recognition of the importance of education not only for children but also for the country as a whole. She would welcome information on whether the Nicaraguan Government had any intention of reviewing legislation relating to compulsory education with a view to harmonizing the relationship between the maximum age for school attendance and the minimum age for employment.

2. Mrs. SANTOS PAIS said that she had misgivings about the Nicaraguan delegation's conclusion that there was no conflict between the age-range for compulsory education and the age at which young people could be employed. In that connection, she noted the statement in the report of Nicaragua that 150,000 children were outside the educational system and that some families lacked the means to pay for their children's education. She also drew attention to the fact that the country had an absolute unemployment rate of 60 per cent and that there had been a substantial increase in underemployment, as well as a marked rise in informal-sector employment.

3. The gap between the permitted age of employment and the age-range for compulsory education was significant. Consideration should be given to providing vocational training in schools which could prepare children for future employment and launching a public information campaign on the important role that education could play. She wondered whether the Nicaraguan Government considered that technical assistance by ILO could help in those endeavours. At the previous meeting the Nicaraguan delegation had informed members of the existence of a draft code for minors, which was at present before Parliament. It might be useful for the Government to request ILO to provide assistance with the wording of the draft to ensure that it conformed to international instruments applicable to Nicaragua, and notably the Convention on the Rights of the Child.

4. She noted the difference between the ages at which men and women could marry without the authorization of their parents or guardians and expressed the view that that might be one of the reasons for the high number of separations. She would like to know why there was a difference between the age of majority and the minimum age for marriage.

5. Miss MASON said that the Nicaraguan Government's reply to question 9 was too brief and seemed to be an attempt to justify its position from a legal standpoint. The Committee was aware of the constraints faced by most societies and therefore of the entry of children at an early age into the workforce. However, a number of States and Governments used that situation as a ploy to avoid implementing and enforcing measures to protect children.

6. Paragraphs 62 and 63 of the report (CRC/C/3/Add.25) indicated that the Government was aware of the need to ensure the best interests of children and to prevent their entry into the workforce at an early age.

7. In reply to question 15 on the list of issues, the Nicaraguan delegation had said that its Government respected the right of a married couple to decide on the question of parenthood. However, she would like to know how it was possible to protect the right of children to enjoy childhood when girls as young as 10 years were allowed to have children.

8. Mr. MOMBESHORA, referring to the problem of drug use by children, noted that a drug control commission had been established. He would like to know what progress it had made in dealing with the problem. No mention was made of drug control in the report and he would welcome information on the method of control used with regard to prescriptive drugs. He would also welcome information on the age at which a child was allowed to seek medical counselling without the consent of his parents.

9. Mr. KOLOSOV, noting that many children were employed in the private sector, asked whether existing labour legislation was adhered to by that sector and how compliance was monitored. He would also like to know whether the social security system covered working children.

10. Mr. ROSALES (Nicaragua) said that the question of child labour must be viewed in an overall context and not merely from a structural standpoint. Nicaragua had emerged from a dictatorial dynasty that had lasted more than 40 years. Following the revolution which had overthrown the Somozas, Nicaragua had experienced a disastrous civil war. In 1990, the new Government had sought to institute a socially-oriented market system, which had been a major challenge, because his country had had to deal with conditions imposed on it by international financial institutions and at the same time develop a social policy. Nevertheless, Nicaragua was continuing its efforts along those lines in the hope that they would bear fruit. Unfortunately, it was currently experiencing the social repercussions of structural adjustment. It was meeting the requirements of the World Bank and IMF and at the same time implementing a sustainable and humane social development programme. Children were, however, the first victims of the social repercussions, although they were covered by the relevant ILO Conventions.

11. On the question why so many children were in such an alarming situation, he said that the average minimum wage was less than $50 and that no head of family could support his family on that amount. Consequently, the head of a household frequently held three jobs. Furthermore, as soon as a child was old enough to help his parents, he would begin to work in the informal sector.

12. One of the major sex education campaigns under way sought to make young people aware of the alarming problem of AIDS. It was estimated that by the year 2000, 90 per cent of AIDS cases would be in the developing countries. His Government was greatly concerned about that disease. It was seeking to educate young people and to make them understand what being a father or mother involved.

13. Mrs. ARGUELLO (Nicaragua), referring to the question whether there was a conflict between the school-leaving age and the age at which children could begin to work, said that the minimum age of employment had been 12 but the new Labour Code had raised it to 14. With regard to the age at which a person could marry, she said that under the Civil Code a 21-year-old male could enter freely into marriage. The equivalent age for a female was 14.

14. Mr. MEJIA SOLIS (Nicaragua) said that his Government administered a major portion of programmes for the benefit of children directly or indirectly. Programmes involving child health were financed with international assistance from such bodies as UNICEF, WFP, the European Community, UNDP and WHO. One aim of the WFP project, for example, was to reduce the school drop-out rate to a minimum. Nevertheless, the social and economic situation in Nicaragua remained very difficult. Even young children were often obliged to work to support their families and many left home in the morning without even a proper breakfast. Under the WFP project, food was provided in schools to encourage attendance. The project had also included the provision of free milk for 430,000 children in the first and second grades. It had already achieved a significant improvement in children's diet and a marked reduction in the school drop-out rate.

15. Referring to a question concerning the particular conditions to which international assistance was subject and the possible social consequences of such conditions, he said that in certain economic assistance programmes, particularly those involving restructuring measures, the Government was subjected to constraints. However, the Government had always tried as far as possible to protect the most vulnerable sectors of the population, including children, from the adverse effects of such programmes. For example, during talks with IMF and the World Bank on structural adjustment, the Government had resisted the imposition of certain conditions by those institutions on the grounds that the potential social consequences were unacceptable, and the institutions concerned had been obliged to modify their original proposals. Obviously, the outcome of such meetings between the Government and international institutions was not always so positive, but the Government was genuinely concerned to reduce to a minimum the potentially harmful social consequences of economic change.

16. Turning to Mr. Mombeshora's question about measures taken to combat drug abuse, he pointed out that Nicaragua was a natural conduit between consumers and producers of narcotics, and as a result drug consumption within the country had grown considerably, especially in the Atlantic coast region, through which most of the drugs passed. Both the army and the navy were now involved in determined attempts to stop that traffic, and the police had undergone training in methods of reducing demand by educating and informing the public. Unfortunately, the training provided was probably too superficial to enable the police to act very effectively against drug abuse. Medical staff also played an important part in reducing drug consumption as part of a Ministry of Health campaign in hospitals and clinics, where talks, seminars and other activities were being organized to inform the public. Despite the real efforts which were being made, however, more resources were badly needed if existing programmes were to be truly effective.

17. With regard to the question raised by Mr. Kolosov concerning respect in the private sector for labour laws concerning the social welfare of the young, he noted that all enterprises, whether in the private or public sectors, were obliged to obey the law and in general did so, although there were isolated abuses. Inspectors from the Ministry of Labour visited companies and factories to ensure that the law governing the employment of young people was complied with. That law included provisions prohibiting the employment of children under the age of 12 and restricting working time to a maximum of 6 hours a day. Employers of children between the ages of 12 and 14 were required to allow them to attend school. Furthermore, under new legislation, the minimum age of employment was due to be raised to 14 years. Children under 16 could not do night work and no one under 18 could work in industry or mines or at other hazardous sites. Other areas also came within the mandate of the Ministry of Labour inspectors. Nevertheless, existing provisions governing the employment of young people were not entirely adequate. There was a clear need to take positive steps to harmonize national legislation and bring it into line with the Convention.

18. On the question raised regarding social security for minors, he said that there was no specific system of social welfare for young people, although a general system of social security, to which employers were obliged to contribute, provided free benefits for all those in work. In addition, the medical care provided by the national health service through its hospitals and clinics was free, except for modest charges for consultations and medicines. However, the existing social welfare system was not geared specifically to the needs of children and some of the existing provisions were not sufficiently effective in promoting a high standard of care and protection.

19. Mrs. ARGUELLO (Nicaragua) drew attention to the work done by the National Commission for the Protection of the Rights of Boys and Girls, in collaboration with the American-Nicaraguan Alliance. The work focused on fund-raising and providing counselling and support for children addicted to glue-sniffing. Official figures suggested that over 2,500 children in Managua alone, predominantly in the poorer areas, and 800 or more in the rest of the country engaged in glue-sniffing. Most of the children had been abandoned or suffered neglect or abuse at the hands of their parents and subsequently been introduced to the habit by older children on the streets. In addition, the Commission had opened canteens to provide food for the children. Another organization, the Nicaraguan Fund for Children and the Family, had also opened canteens and employed trained staff with the assistance of WFP, the greater part of whose funding was channelled through the Nicaraguan Social Security and Welfare Institute (INSSBI). There was also an extensive system of other services used by children and working mothers, including crèches, and a foster-care programme for children addicted to glue-sniffing, the aim of which was to find substitute homes for children whose parents were unable or unwilling to raise them themselves.

20. Mrs. KARP said that she would like more precise information on the number of children born outside marriage, in particular to young girls who were themselves no more than children. The incidence of such births posed severe problems to the families concerned in terms of the health of mothers and children, family relationships and economics. She noted that the

official figure for reported rapes committed against children as a proportion of the total number of rapes, namely 18.5 per cent, appeared rather low.

21. She had a further question about measures being taken in the area of sex education and family planning. Did they, for example, include the free distribution of contraceptives?

22. She noted that under the Penal Code abortion was prohibited except for "therapeutic reasons". If the mother was under age or had been the victim of rape, could those be considered legitimate therapeutic grounds for an abortion? Were abortion services available for under-age girls who had been the victims of sexual abuse and, if so, were they free? She suggested that however sensitive the religious and moral issues involved in that area, and despite the fact that abortion was not in itself a good form of family planning, consideration needed to be given to changing some of the prevailing social attitudes to abortion.

23. Mr. MOMBESHORA asked if the many children living on the streets without guardians had the right to seek medical assistance independently and, if so, what was the minimum age at which they could do so? He also wished to know more about controls on medical drugs and the training of pharmacists in the correct handling and distribution of such drugs.

24. Mrs. SANTOS PAIS observed that the various chapters of the Convention were interrelated. With regard to the definition of the child, the purpose was to define what groups were covered by the Convention's different provisions. It was not the purpose of the Convention to impose the same age-limit in all areas of life and indeed it explicitly recognized that, for example, the minimum age of employment should not be the same as the minimum age at which the death penalty could be imposed. Nevertheless, the Convention imposed certain basic reference points which needed to be taken into account in the revision of the existing minimum ages under Nicaraguan law. For example, the different minimum ages for marriage and majority for boys and girls appeared to violate article 2 of the Convention and the Nicaraguan Constitution, both of which prohibited discrimination on grounds of sex. The earlier marriage age for girls had been justified by reference to the tendency for girls to reach physical maturity at an earlier age, while other equally important psychological and emotional factors had been ignored. Similarly, there appeared to be a conflict between Nicaraguan law and the provisions of the Convention with regard to the school-leaving age and the minimum age of employment.

25. According to article 32 of the Convention, work should not "interfere with the child's education", and yet the reality was that in Nicaragua only 20 per cent of school-age children actually attended school. Many of those not at school were working in the informal sector, where there was no effective monitoring of standards and conditions. It was therefore essential that the minimum age for employment should be set at the same age as the school-leaving age. By amending its legislation in those areas in the appropriate way, the Nicaraguan authorities would be fulfilling an obligation under article 4 of the Convention. They would also be taking advantage of a valuable opportunity to use legislation to influence public opinion and change prevailing attitudes.

26. Mr. HAMMARBERG suggested that more detailed information was needed on the resources being made available to introduce appropriate legislative measures under the terms of article 4 of the Convention. According to the information received so far, there were reasonable grounds for doubt whether due priority was being given to the needs of children in the reform and development programmes under way and whether the international community had lived up to its responsibilities in assisting the reform effort. Such doubts were inevitable, given the enormous problems seen, for example, in the area of education, which should play a crucial role in promoting the rights of children but whose importance was not adequately reflected in the share of resources devoted to it. Similarly, the delegation had indicated that 35 per cent of all resources available from multilateral sources were spent on projects of direct benefit to children. That figure was not in proportion to the percentage of children in the population as a whole, nor did it appear to match children's needs, amounting as it did to no more than $10 per child.

27. The CHAIRPERSON urged participants to be brief and concise in presenting their questions and answers.

28. Mrs. BADRAN said she wished to revert to child labour and schooling because it was a priority issue that touched on two general principles: non-discrimination and the best interests of the child. Regrettably the delegation's statement, that children worked because they had to support their families was not unique and should not be taken at face value. The problem must be studied from various angles. In her language, the definition of a child was someone who was provided for. In a country with a 60 per cent rate of unemployment, it was remarkable that children could find work. In all contexts and situations, the working child was in the undesirable position of being exploited by the employer. Efforts to alleviate the adverse effects of child labour were not the permanent solution to a problem that reflected a defective economic system. The structural variables, rather than the symptoms, needed to be addressed.

29. Another point to be considered was the fact that the world was entering an era in which the basic skills of reading and writing were not enough and six years of compulsory schooling were far from enough. Such a short period actually limited the child's choices in life at a very early stage of his development and was definitely not in his best interests. She therefore requested the Nicaraguan Government to take the opportunity, when it reviewed its legislation, to examine the crucial issue of child labour.

30. The CHAIRPERSON observed that Mrs. Badran's comments justified the length of time the Committee had devoted to the definition of the child, because most of the answers given by the delegation touched on problems linked to the general principles of the Convention, particularly those contained in articles 2 and 6. She invited the Nicaraguan delegation to answer the questions asked by the Committee.

31. Mrs. ARGUELLO (Nicaragua) provided some birth statistics. The number of children born to teenage mothers had been 33,866 in 1993 and 33,956 in 1994. Those figures represented 24 per cent of the total number of births throughout the country.

32. The highest percentage of adolescents giving birth had been recorded in rural areas, where young people had a lower level of education and little access to information and family planning services. The Ministry of Education had introduced sex education and family planning into the curricula of primary and secondary schools and had launched a nationwide family planning campaign.

33. In an effort to curtail the spread of HIV/AIDS, the Ministry of Health was promoting the use of condoms, which were distributed free of charge at health centres, hospitals and high schools. According to hospital statistics, induced abortion was one of the main causes of maternal death. In 1991, 24 per cent of maternal deaths, inside and outside hospitals, had been caused by abortion. That figure had fallen to 13 and 12 per cent respectively in 1993 and 1994. The prevention of pregnancy and the practice of family planning were important instruments in the struggle to reduce the incidence of maternal death, particularly among younger women.

34. The Ministries of Health and Education were working together on a nationwide sex education and family planning campaign, providing information on alternative forms of family planning. Nicaragua did not recognize abortion as a method of family planning; abortion was permitted only for therapeutic purposes. The sex education and family planning campaigns were therefore aimed primarily at young people and emphasized the prevention of early pregnancy.

35. Nicaragua was beginning to implement projects to assist teenage mothers who did not have adequate resources or whose partners did not accept responsibility for caring for them or their children. A pilot project, conducted in east Managua, provided overall care for pregnant women, proper nutrition during and after pregnancy, and follow-up care of mothers and children in the poorest sectors of the population.

36. Mrs. KARP asked whether a young age was considered a therapeutic reason for having an abortion.

37. Mr. MEJIA SOLIS (Nicaragua) said the fact that a mother was very young did not constitute a therapeutic reason for performing an abortion. Religious and cultural influences had a tremendous impact on the question of abortion in Nicaragua. Danger to the health of the mother was the only reason that could legally be invoked as a therapeutic factor in relation to abortion.

38. Mr. HAMMARBERG asked for specific information on the availability of contraceptives in rural areas.

39. Mrs. ARGUELLO said that sex education was provided throughout the country, but in the most remote areas, where it was difficult to establish schools, the inhabitants lacked education and access to public information. In general, people living in the rural areas rejected any form of family planning: they said they accepted the number of children given to them by God. The few exceptions included those people who managed to learn about the methods of contraception accepted by the Church, but the majority knew nothing about contraception. Apart from the religious aspect, many people objected to the use of contraception because they believed it would lead to disease.

There was an obvious need for the Government to increase its efforts to inform the entire population and to explain the facts on a door-to-door basis.

40. Mr. HAMMARBERG wished to know whether Mrs. Arguello's answer was to be interpreted as meaning that, for various reasons, there was no demand for contraceptives.

41. Mrs. ARGUELLO (Nicaragua) said that the Government needed to take the idea of contraception and the use of contraceptives to the people. Many Nicaraguans did not ask for contraceptives because they were not accustomed to using them.

42. Mr. ROSALES (Nicaragua) stressed that, as in most countries of the world, abortion was a sensitive issue which had aroused much controversy but on which there had been little consensus. The same factors that had unfortunately blocked real progress on family planning at the International Conference on Population and Development in Cairo were present in Nicaragua and throughout Latin America and had had tremendous repercussions for society at large. Sex education in schools had only been possible after a hard struggle. Abortion was illegal in Nicaragua but it was being discussed vigorously at all levels. There were many sectors of society and shades of opinion within the Government which were in favour of legalizing abortion, but a firm position had not been taken.

43. His Government did not try to explain away child labour by saying that children worked because their families were poor; rather, it was a matter of survival. In 1994, for the first time in 15 years, the Nicaraguan economy had shown an upswing, and the Government looked forward to an economic take-off with its concomitant social repercussions. Unfortunately, in the meantime, in trying to meet the requirements of the financial institutions, Nicaragua had not been able to fight unemployment which had been a priority area for several years. The country simply did not have the necessary resources to tackle the problem effectively.

44. The Nicaraguan Government was aware that child labour was unacceptable. Children, whose only means of eating was to work, had few alternatives. The Government was doing its best to fight the exploitation of children and was working on an economic development programme which it hoped would have speedy and positive effects on all sectors of society, and particularly children.

45. Mrs. ARGUELLO (Nicaragua) added that, within the framework of the pilot project mentioned earlier, her Government had developed a population policy that formed part of an integrated health programme to reduce maternal mortality, infant mortality and the risks of early pregnancy. Four essential areas of concern relating to mortality and fertility were encompassed within the policy: freedom, general and sex education, basic health and nutrition.

46. The Government respected the rights of persons and the unacceptability of violating their freedom. It therefore respected a couple's right to decide on the size of its family and was committed to helping couples to take informed decisions. Sex education was to be tailored to the level of maturity of pupils and would stress the need to act within the bounds of moral values, fidelity and responsibility. The right of parents to have a say in course

content would also be respected. Continued international cooperation and support, through financial and technical assistance, were essential to enable Nicaragua to carry out all the programmes covered by its population policy.

47. Mr. PORTA (Nicaragua) said he wished to provide further information on the external debt to supplement the information given the previous day. Nicaragua's external debt stood at $11.7 billion and represented $2,800 of debt per person. The annual per capita income was $450.

48. Since 1991 the Government had undertaken measures to reduce the external debt and was working towards a target of a 76 per cent reduction in debt. It was hoped that the process of renegotiation of Nicaragua's debt would be completed in early 1997, leaving $2.2 billion with annual debt servicing of $120 million, which would mean that Nicaragua would have achieved a debt-service ratio equivalent to its GDP.

49. The country's debt was four times the volume of its exports and debt servicing represented 4 per cent of its GDP and 16 per cent of exports. The Government had decided to pursue the restructuring of the economy, including the writing-off of debts, avoiding further obligations and resorting to conversion mechanisms. While Nicaragua would have preferred to honour its debt commitments, it could not sacrifice the population's standard of living. It would only accept donations and loans offered on highly concessional terms.

50. As the main objective for achieving the target set for debt reduction was debt cancellation, the Government welcomed every opportunity to inform its creditors of the situation it faced and sought the understanding of the international community in considering the factors entailed in carrying such a heavy debt burden.

51. The CHAIRPERSON said that serious shortcomings obviously existed at the legislative level. The extensive discussion on child labour reflected the Committee's concern. She had also noted the differences in age-limits for boys and girls, the health risks for young girls and their offspring, and the negative effects of early marriage. She hoped the delegation would take note of the Committee's concerns and would work with the Government, not only to speed up legal reform, but also to improve the dissemination of information and to change the prevailing attitude towards children. Several questions relating to general principles had been raised, mainly in the area of non-discrimination and the best interests of the child.

52. Mrs. KARP said the Committee was aware of the high rate of mortality caused by illegal abortions. She wondered whether the problem of abortions should not be dealt with differently. A new attitude was needed with regard to the general problems facing Nicaragua, which required different solutions and policies. Had that approach been considered by the delegation, given that it had said being an under-age mother did not constitute a therapeutic reason for abortion?

53. Mr. HAMMARBERG said he wished to refer to two general principles: non-discrimination and the best interests of the child. With reference to paragraph 110 of the report, he wondered whether the full implications of article 3 had been grasped by the Nicaraguan Government. The best interests

of the child had been identified as one of the major principles of the Convention. All decisions at the legislative, judicial and administrative levels should be influenced by that concern. The report's definition of best interests was narrower than was desired, and so it would be interesting to hear further observations on how the Government planned to integrate that principle into domestic legislation and how it planned to handle children's affairs in general. The concept of "the best interests of the child" needed evaluation, discussion and integration into legislation and policies; he was therefore rather disappointed by the wording in the report.

54. Turning to the question of non-discrimination, he said he appreciated the frankness displayed by the delegation, particularly in paragraphs 107 and 108. He had the impression that there were immense problems of discrimination based on gender and structural discrimination against the poor and indigenous groups. Although several measures against discrimination had been described, the Government of Nicaragua appeared to need a clear overall strategy in that area.

55. Miss MASON said the delegation's answer to question 35 had been too brief; she was interested in non-discrimination against children, particularly among the black population in Bluefields. She wished to know what social services were available to those persons, whether they were in fact integrated into the society in terms of education and health, what was the level of unemployment, and what prospects there were for integration. And what was the status of the rights of children in minority groups?

56. The report had not mentioned an important aspect of the Convention, namely, respect for the views of the child. She wished to know what the situation was in the home and at school, what was the general attitude of society and what was the attitude of children themselves.

57. In connection with the best interests of the child, she referred to paragraph 16 of the report, which stated that the Nicaraguan Government intended to change a number of laws. She wished to know how the Government proposed to incorporate the principle of the best interests of the child in its legislation in such a way that it would be fully accepted by Nicaraguan society.

58. Mrs. BADRAN asked whether Nicaragua intended to make use of the school curriculum in order to change children's attitudes. Discrimination occurred as a result of the existence of different cultures, customs and attitudes. The school curriculum was a very effective means of tackling that problem. And the mass media must portray an image of women which would lead to a change in attitudes towards them. She asked whether Nicaragua had a plan of action, to be implemented by the Government and NGOs, to improve the current situation.

59. Mrs. KARP requested more details on the links between the question of discrimination and that of domestic abuse. What help was provided for victims of abuse which involved a conflict between children's best interests and the autonomy of the family? What was the philosophy behind the attempts to provide redress for the children involved?

60. The CHAIRPERSON said that clear questions had been asked on general principles, namely, children's best interests and non-discrimination between boys and girls, different groups of children and different groups in society. It was important not only to recognize different forms of discrimination, but also to be aware what concrete action was being taken by the Nicaraguan Government and NGOs to combat effectively the different forms of discrimination.

61. Mrs. ARGUELLO (Nicaragua) said that various articles of the Convention referred to non-discrimination, as did the Nicaraguan Constitution and laws. Article 27 of the Constitution established that all persons were equal before the law and had the right to equal protection. There should be no discrimination on grounds of birth, nationality, political views, race, religion, sex, language or social or economic status. Article 27 was very broad in scope and guaranteed the equal constitutional right of all people to non-discrimination. The Civil Code was fully in accordance with the Constitution. Article 2 of the Civil Code stated that all individuals were equal, irrespective of age, sex, race or status; article 75 provided that all children had equal rights; article 73 guaranteed the right of children to receive food and remuneration for work, whether or not they were born out of wedlock. The food regulations of 1992 guaranteed the right of all children to food, whether or not they were recognized by the person presumed to be their father. The Social Security Act and regulations of 1981 guaranteed the right to maintenance grants for all children, whether they were legitimate or illegitimate.

62. It was essential that adults should respect the rights of children. A project was currently being developed at the national level in which 60 children between the ages of 9 and 15 had been selected to convey the importance of the protection of children's rights. An awareness campaign was being conducted through direct contacts with government authorities, private enterprises and social institutions and through indirect contacts via television, radio and newspapers. Children also had their own radio station, an experiment which had become popular in other Central American countries. It was important to disseminate information among adults so that they grew to respect children.

63. In response to Mrs. Karp, Mr. ROSALES (Nicaragua) said that it was difficult to achieve a suitable definition of therapeutic abortion. The technique was used only when a future mother's life was in danger or her mental or psychological health in jeopardy. In the context of the legal framework in Nicaragua, no consensus had been reached on a definition of therapeutic abortion. Discussions were continuing in the National Assembly on the rights of women in relation to family planning.

64. Mrs. ARGUELLO (Nicaragua) said that children had unrestricted freedom of expression, irrespective of their age or psychological maturity. They acted as announcers on popular radio and television programmes existed specifically for them, as did puppet and theatre groups. Solidarity among children in relation to the environment was especially important. Most boys and girls had access to a broad accelerated programme of education, which was designed to reduce illiteracy and provide more municipal libraries. The written press did not always respect the status of children or the laws on juveniles.

65. In accordance with the Nicaraguan Constitution, all people had the right to freedom of thought, religion and conscience. No prior notice was needed for meetings or demonstrations. Twenty-three child-care associations, linked to the Government and NGOs, were in existence.

66. Mr. MEJIA SOLIS (Nicaragua) said that many gaps still existed in relation to children's rights and sexual abuse in the home. However, the shortcomings were cultural rather than legislative. For many years the different ethnic groups in the Atlantic coast region, for example the Mesquitos, had been totally marginalized. However, in the 1980s increased interest had been taken in such groups. The 1987 Constitution recognized the rights of the ethnic groups in the northern and southern Atlantic coast region. They enjoyed autonomy, i.e. the right to their own local government and parliament and the possibility of managing their own resources. State authorities handled only education, taxes, foreign affairs and integration. Reforms had also been introduced in the school curriculum: teaching in local languages had been implemented and the Ministry of Education had begun to train teachers to give classes, from the first years of school, not only in Spanish but also in the Mesquito language. The broad recognition of ethnic groups would help children to retain their cultural identity. With the support of governmental authorities, the private sector and various associations, the culture of the Atlantic coast region had become more widely known. In the new legal framework, discrimination against the people and culture of that region no longer existed at the national level. Nevertheless, individual cases of discrimination by people from the Pacific coast region were still in evidence. Greater integration of the two areas had already been achieved and would be further improved in relation to both the population in general and children in particular.

67. On the question of sexual abuse, an entire legal framework was in place for the imposition of severe penalties on those committing the offence of rape. However, rapes still occurred and the authorities were making every effort to try to prevent them. Information campaigns aimed at children had recently been introduced. Children often remained silent through fear of repercussions for themselves and their families. The mass media, in particular television, promoted such information campaigns so that all victims would come forward to give evidence in courts of law. As yet no significant results had been achieved, but victims had the possibility of seeing the perpetrators of such acts brought to justice. Very often it was more difficult to combat abuse in the home since repression existed within families. It was important to inform children that they should report all cases of abuse. Information campaigns had also been launched in individual communities. Attempts had been made to ensure that people in local communities were prepared to report cases of which they were aware, since relevant legal provisions now existed.

68. Mrs. ARGUELLO (Nicaragua) said that in accordance with Act No. 150, introduced in June 1992, perpetrators of rape and other sexual offences were liable to prison sentences of between 15 and 20 years. A new charge of sexual corruption in relation to minors below the age of 16 had been introduced. As a result of the most important provisions, such offences had become public rather than merely private. The Commissioner's Office for Women and Children

had also been established to combat physical and sexual violence against women, boys and girls. In the first year of the Office's operations, five separate commissions had been set up.

69. The CHAIRPERSON expressed the opinion that, in spite of the implementation of relevant legal provisions, much remained to be done. The Government of Nicaragua was, however, making great efforts. Various suggestions had been made to remedy the different forms of discrimination and to tackle the various forms of abuse. Of particular note were the suggested changes in school curricula, media support in fostering a non-discriminatory culture and the adoption of a programme of action detailing the links necessary between women's and children's rights. Special attention must be paid to the rights of the girl child.

70. Mrs. SANTOS PAIS said it was difficult to see how the constitutional principles and laws were applied in practice. Freedom of expression implied the expression of an opinion, and access to and dissemination of information. The only aspect of the Nicaraguan report which could be verified was the danger that the media misused children to transmit unsuitable messages. It was more important to see how a child expressed his thoughts on life, school and the family. With regard to child abuse in the home, a child's possibility of expressing himself and making his voice heard was extremely significant. If it was possible to change the democratic environment in schools and families, the approach towards children might also change.

71. No mention of indigenous populations had been made in the report. That was surprising since, given the lack of resources in the education system, it was clearly those populations who suffered most. In the report, apart from the statement that legislation prohibited torture and the ill-treatment of children, no information was provided on how such legislation worked in practice. How could children submit complaints? What support services were available? How could families prevent such abuse? Children only had the right to contact the police rather than to appear before the courts. Since no independent or impartial judicial authority existed, the level of protection for children was clearly in question. How was it possible to punish police officers who committed offences? It was important to remember that Nicaraguan society had undergone a civil war and that violence was still widespread. Too many children were forced to live and work in the streets without identity papers and were separated from their families. They were easy targets for police officers and were clearly the greatest victims in terms of deprivation of freedom.

72. Mrs. BADRAN asked whether the problems involved in the registration of births impinged on other statistics, for example the mortality rate. Also, it was unclear whether the media operated as a private authority or were controlled by the Government. There were a number of associations dealing with children's freedom of expression. However, it was necessary to create other associations where children could assemble and organize themselves. They would thus be able to practise democracy and acquire strength through organization. Unless children became aware of such possibilities, it would be difficult to manage and to practise the democratic process at a later date.

73. Mr. HAMMARBERG asked how schools and health clinics coped with children who had not been registered at birth. More details were necessary on the media which existed specifically for children. What institutions and regulations existed for self-censorship by the media and what guidelines existed to curb the exploitation of children? Furthermore, how could the initiatives already taken be expanded as models for children's participation in the defence of their own rights?

74. Miss MASON said it appeared that the media had benefited from, but had not known how to use the new freedoms available to them. In the light of harmful media practices, she asked whether legislation existed to prevent children from exposure to adult pornography. Was there any link between child pornography and child prostitution?

75. Mr. KOLOSOV considered that the civil and political rights of children were in great jeopardy. Owing to children's lack of legal capacity, it was difficult for them to submit complaints and impossible for them to initiate judicial proceedings. Civil and political rights must be perfectly compatible with economic and social rights. He requested additional information on how the civil and political rights of children were safeguarded in practice.

The meeting rose at 1 p.m.